

Town of Amherst
Zoning Board of Appeals Public Meeting

PROJECT APPLICATION REPORT

Applicant: Michael Ben-Chaim
28 Shays Street
Amherst, MA 01059

Nature of request: To review the condition from Special Permit ZBA FY2015-08, which states:
“All landscaping features shall be continuously maintained and replaced if they die or are destroyed as listed in Section 11.31 of the Zoning Bylaw.”

Project address: 28 Shays Street

Map/parcel: 20A/15

Zoning: Neighborhood Residence (RN) zoning districts

Board members: Mark Parent - Chair, Keith Langsdale, Tom Simpson

Staff members: Rob Morra, Building Commissioner; Brandon Toponce, Senior Planner; Maureen Pollock, Associate Planner

BACKGROUND

Mr. Ben-Chaim received an enforcement letter in May 2018 from the Town of Amherst concerning the maintenance of his property and shrubs that had died in front of a retaining wall. The applicant believes the shrubs do not grow in this locations since he has tried to plant them several times. He is requesting the wall be covered with a latus instead and has come before the Board to review the landscaping feature.

PREVIOUS MEETING

On June 28, 2018, the Zoning Board of Appeals reviewed Mr. Ben-Chaim’s proposal. The following items were provided to the Board:

- Panel design
- Home Depot specification and photo of the panel
- Email correspondence from the applicant
- Photograph of existing conditions
- Approved site plan, ZBA FY2015-08
- Approved Special Permit Decision, ZBA FY2015-08

After the Board reviewed these items and discussed the plans with the applicant, the decision was made to move the item to the July 26, 2018 ZBA Meeting. The following additional detail was requested by the Board:

- The existing latus must be secured into the ground properly
- The new latus in front of the retaining wall must be framed and secured properly

- A research of other vegetation that may grow adjacent to the wall

FOLLOW-UP

In a recent email, Mr. Ben-Chaim stated that he has secured the existing latus with a post dug four feet into the ground. He has also designed the latus over the retaining wall with a frame so that it will also be more secure. However, he did not mention any detail concerning a different type of vegetation that may have an easier time growing near the retaining wall.

CONCLUSION

Staff has provided the new detail to the Board for review and would recommend discussing a different vegetation with the applicant. The existing latus repair and the proposed latus construction appear to be acceptable.